

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
4 State Bar No. 101336  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-3037  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013 - 593**

13 **ELIZABETH OBIAGERI AYOZIE,**  
14 **AKA ELIZABETH OBIAGERI ANYASOR**  
12202 Meadow Glen Court  
Stafford, TX 77477

**A C C U S A T I O N**

15 **Registered Nurse License No. 491990**

16 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
23 Consumer Affairs.

24 2. On August 31, 1993, the Board of Registered Nursing (Board) issued Registered  
25 Nurse License Number 491990 to Elizabeth Obiageri Ayozie, also known as Elizabeth Obiageri  
26 Anyasor (Respondent). The Registered Nurse License expired on September 30, 2001, and has  
27 not been renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board, under the authority of the following  
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
4 indicated.

5 4. Section 2750 of the Code provides, in pertinent part, that the Board may  
6 discipline any licensee, including a licensee holding a temporary or an inactive license, for any  
7 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

8 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a  
9 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
10 against the licensee or to render a decision imposing discipline on the license. Under section  
11 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

12 **STATUTORY PROVISIONS**

13 6. Section 2761 of the Code states:

14 The board may take disciplinary action against a certified or licensed  
15 nurse or deny an application for a certificate or license for any of the following:

16 (a) Unprofessional conduct, which includes, but is not limited to, the  
17 following:

18 (4) Denial of licensure, revocation, suspension, restriction, or any other  
19 disciplinary action against a health care professional license or certificate by another state  
20 or territory of the United States, by any other government agency, or by another  
21 California health care professional licensing board. A certified copy of the decision or  
22 judgment shall be conclusive evidence of that action.

23 **COST RECOVERY**

24 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
25 the administrative law judge to direct a licensee found to have committed a violation or  
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
27 and enforcement of the case.

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1 found the patient in respiratory distress. The patient was transferred to an acute care facility  
2 where he died. Respondent's conduct resulted in incomplete medical record, which was likely to  
3 deceive subsequent caregivers who relied on the information while providing care to the patient  
4 and exposed the patient unnecessarily to risk of harm from ineffective treatment.

5 12. On November 22, 2011, Respondent certified agreement to the Findings of Fact,  
6 Conclusions of Law, Order, and conditions of Order of the offered Agreed Order, which on  
7 November 29, 2011, was accepted by the Texas Board as its order in resolution of the  
8 disciplinary action. In the Agreed Order, Respondent's license to practice as a registered nurse in  
9 the State of Texas was subjected to the requirement of completion of remedial education.  
10 Moreover, Respondent may not work outside the State of Texas pursuant to a nurse licensure  
11 compact privilege without the written permission of the State of Texas and the Texas Board in  
12 the party state where respondent wishes to work.

#### 13 DISCIPLINARY CONSIDERATIONS

14 13. Pursuant to California Code of Regulations, title 16, section 1445, to determine  
15 the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that the  
16 Board of Nurse Examiners for the State of Texas (Texas Board) conducted an investigation  
17 regarding Respondent's alleged violation of Revised Civil Statutes of Texas (RCST), article  
18 4525, subdivision (b)(9) and subdivision (12), which resulted in her registered nurse license  
19 being disciplined through completion of remedial education. The circumstances are as follows.

20 14. On January 6, 1998, pursuant to the RCST, article 4524, section C, the Texas  
21 Board conducted an informal conference in a disciplinary action against Respondent's registered  
22 nurse license in a matter entitled, *In the Matter of Permanent Certificate Number 598968 issued*  
23 *to Elizabeth Obiageri Ayozie*, and offered an Order requiring Respondent to successfully  
24 complete a course each in State and Federal regulations in home care and nursing jurisprudence.  
25 Respondent was also required to deliver the wallet-size license issued, which upon full  
26 compliance with the terms of the Order shall be issued as an encumbered license to practice  
27 professional nursing in the State of Texas.

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1           15.     The facts that led to the discipline are as follows. During December 1995,  
2     Respondent accepted the position as the Director of Nurses at a home health agency in Houston,  
3     Texas. Respondent failed to adequately supervise staff for whom she was administratively  
4     responsible:

5                 a.     Between January 27, 1997 and March 26, 1997, a licensed vocational  
6     nurse (LVN) under Respondent's supervision failed to assess a patient's weight weekly as  
7     ordered by the physician. Yet, on February 24, 1997 and on March 24, 1997, Respondent  
8     documented that the LVN was providing care to the patient correctly. Although, Respondent  
9     admitted that she did not review the LVN's notes in the course of her supervision of the  
10    employee during the mentioned time interval.

11                b.     On February 10, 1997, a LVN failed to perform blood glucose monitoring  
12    as ordered for the patient. On the contrary, on March 5, 1997 and on April 4, 1997, Respondent  
13    documented that the LVN was providing care to the patient correctly. However, Respondent  
14    admitted that she did not review the LVN's notes in the course of her supervision of the  
15    employee during the mentioned interval.

16                c.     In May 1997, the Texas Department of Health surveyed the home health  
17    agency and found the facility to have several condition level deficiencies for which the agency  
18    was placed on a 90-day termination schedule. In July 1997, the facility was resurveyed and had  
19    two standard level deficiencies.

20           16.     On February 11, 1998, Respondent certified agreement to the Findings of Fact,  
21    Conclusions of Law, Order, and conditions of Order of the offered Agreed Order, which on  
22    March 12, 1998, was accepted by the Texas Board as its order in resolution of the disciplinary  
23    action. In the Agreed Order, Respondent's license to practice as a registered nurse in the State of  
24    Texas was subjected to the requirement of successfully completing a course each in State and  
25    Federal regulations in home care and nursing jurisprudence. Respondent was also required to  
26    deliver the wallet-size license issued, which upon full compliance with the terms of the Order  
27    shall be issued as an encumbered license to practice professional nursing in the State of Texas.

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1 **PRAYER**

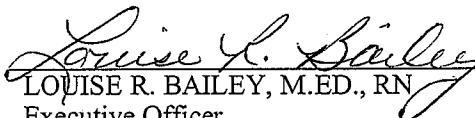
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 491990, issued to  
5 Elizabeth Obiageri Ayozie, also known as Elizabeth Obiageri Anyasor;

6 2. Ordering Elizabeth Obiageri Ayozie to pay the Board of Registered Nursing the  
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
8 Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.  
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11  
12 DATED: JANUARY 31, 2013

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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